THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5816 of 2007

26-03-2007

Between:-

M/s. Bommidi Narayana sons, a registered partnership firm rep.,
by its Managing Partner B. Ravindranath, General Merchants and Commission Agents, Suryapet, Nalgonda district.

Petitioner

And

The District Collector, Nalgonda district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5816 of 2007

Oral order:

The petitioner claims to be a licensed wholesale dealer. On 20-02-2007, the petitioner's premises was inspected by the Tahasildar, Civil Supplies, Suryapet, Nalgonda district and 1059.92 quintals of three varieties of pulses --- Green Gram, Red Gram and Black Gram --- were found in storage. The stocks were seized on allegation of violation of the provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing and Distribution), Order 1982 (for short 'the Control Order, 1982'). Thereafter, a notice dated 01-03-2007 under Section 6B of the Essential

Commodities Act, 1955 (for short 'the Act') was issued to the petitioner setting out two charges – one of impermissible levels of variation between the stocks as per the book balance and on the ground; and second that the petitioner had stored stocks beyond the permissible limits and thereby contravention of the provisions of the Control Order, 1982 and that he would show cause as to why the seized stocks be not confiscated, under the provisions of the Act.

The petitioner submitted its explanation on 12-03-2007 contending that the variations were within the permissible limits and that it is entitled to store up to 2000 quintals as per extant orders and therefore there is no contravention of the provisions of the Control Order, 1982 or of the provisions of the Act. The petitioner also submitted a representation seeking interim release of the seized commodities to its custody pending finalization of the case instituted against it under Section 6A of the Act. The petitioner's grievance is that the respondents have not yet passed orders on its application for interim release in its favour.

There is no dispute on the essential facts as to the stocks on ground; as to the extent of variation or any other factual area. The only contestable position is whether the petitioner is entitled to hold stocks of such quantity as were found and the other question be whether the variations are within the permissible limit. These issues

ought not to take much time for resolution.

In the aforesaid circumstances, the writ petition is disposed of, at the stage of admission after hearing the learned Government Pleader for Civil Supplies, directing the first respondent to expeditiously and in any event within a period of one week from the date of receipt of a copy of this order, consider and dispose of the case initiated against the petitioner under Section 6A of the Act. The disposition of the seized commodities shall follow the final order to be passed under Section 6A of the Act. No costs.

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GODA RAGHURAM, J

Dated:26-03-2007
Pvks/*

Nb: Furnish c.c. in two days. b/o pvks/*